

REMARKS

Claims 1-37 are pending. Applicants seek to amend claims 19 and 20. The offered amendments are to more clearly define the invention, and place the case in condition for allowance. Alternatively, the offered amendments present the rejected claims in better form for consideration on appeal. Therefore, it is appropriate that the Examiner enter all the offered amendments into the case at this time. Rule 116(a); MPEP 714.12, 714.13. Reconsideration of this application, and allowance of all pending claims is respectfully requested, in light of the following remarks.

As a preliminary matter, the Examiner has made this office action is final, indicating that the Applicants' previous amendment necessitated the new grounds of rejection. The Applicants respectfully disagree, and request that the Examiner reconsider the finality for at least the following reasons.

MPEP § 706.07(a) states that second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is not necessitated by an Applicants' amendment of the claims.

In this particular case, the Applicants' previous response amended each of the independent claims to recite: "...enforcing a managed network environment, including at least one of filtering and rewriting data packets" The Examiner indicated that this claim language necessitated the new grounds of rejection (i.e., citing of Brabenac and Molitor). However, the Applicants respectfully submit that this claimed concept was already of record, and recited in original dependent claims of the Applicants, such as claim 31 (which depends from claim 30, which depends from independent claim 27). In more detail, the Applicants' original dependent claim 30 recites, in part: "A method as recited in claim 27 wherein the step of enforcing a managed network environment further comprises ... processing said packets through an augmented IP stack ..." Original dependent claim 31 further defines the "processing" of claim 30 to include "determining whether to filter said packets; and determining whether to rewrite said packets." The Applicants' originally filed dependent claims 28 and 29 recite similar limitations.

Thus, the Applicants respectfully submit that the previous amendments to the independent claims and the addition of new claim 34 (which recites similar language) did not

necessitate the new grounds of rejection. Rather, the Applicants' last response amended the independent claims to recite limitations already of record and previously considered by the Examiner (last paragraph on page 7 of Examiner's office action mailed on 1/25/05). As such, the new grounds of rejection (Brabenac and Molitor) could not have been necessitated by the Applicants' amendment of the claims.

MPEP § 706.07 states that the "applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application." In the spirit reflected here, as well as in Rule 116(a) and MPEP §§ 714.12, 714.13, the Applicants kindly request the Examiner to withdraw finality, and fully consider this response.

Claims 19 and 20 were rejected under 35 U.S.C. § 112, second paragraph. In particular, the Examiner believes that the claim language of "as users of devices roam through the environment" is unclear. The Applicants have amended claims 19 and 20 to more distinctly define the claimed invention, and respectfully request the Examiner to reconsider and withdraw this rejection.

Claims 1-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaid (U.S. Patent Application No. 2002/0091843) in view of Brabenac (U.S. Patent Application No. 2002/0083351).

The Applicants traverse this rejection.

As previously noted in their last response, the Applicants do not concede that Vaid has an effective date that is prior to the Applicants' date of invention. Likewise, the Applicants do not concede that Brabenac has an effective date that is prior to the Applicants' date of invention. In fact, the Applicants note that the present application claims priority under 35 U.S.C. §120 to two earlier filed U.S. Applications: 09/637,742, filed Aug. 11, 2000, and 09/657,745, filed Sep. 8, 2000. Each of these filing dates are prior to the effective filing date of Brabenac. In addition, the Applicants respectfully submit that the independent claims 1, 27, and 34 are fully supported by at least one of these earlier filed priority applications.

For instance, U.S. Application No. 09/657,745, filed Sep. 8, 2000 discloses a secure managed environment and a filtering technique that may be used to provide user authentication. In more detail, and by way of example, Figure 14 of that priority/parent application shows an access point 1420 that is connected to a wired network (“intranet”). The access point 1420 is also connected to a wireless network, which allows communication with wireless client 1400 (see also description of Figure 3, which discusses various wireless network technologies that can be used to couple the client 1400 with the access point 1420). The access point 1420 is configured for enforcing a managed network environment, including both packet filtering (“Packet Filter”) and rewriting data packets (“FAM module”, which rewrites packets generated by the client 1400 to use a masquerading address and port, see Figure 6 and description of same) transmitted between the wired and wireless networks. The access point 1420 also communicates with a network control server (access point 1420 communicates with both “Routing Coordinator” and “Authentication Server”).

Thus, the Applicants respectfully submit that the effective priority date of the claimed invention, as recited in independent claims 1, 27, and 34, is at least as early as September 8, 2000 (the filing date of parent Application No. 09/657,745). As such, Brabenac (which has an effective filing date of December 22, 2000) is not prior art under 35 U.S.C. § 103(a). For at least this reason, the Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Claims 36-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaid in view of Brabenac in further view of Molitor (U.S. Patent No. 6,661,799).

The previous discussion as to the non-prior art status of Brabenac equally applies here. In addition, the Applicants note that the effective priority date of Molitor is indicated as September 13, 2000. As previously explained, the claimed invention as recited in independent claims 1, 27, and 34 is believed to have a priority date of September 8, 2000 (the filing date of parent Application No. 09/657,745), or earlier. As such, Molitor is not prior art under 35 U.S.C. § 103(a). For at least these reasons, the Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

The Applicants believe the above remarks to be fully responsive. Favorable action is solicited. The Applicants kindly invite the Examiner to contact the undersigned attorney by telephone, facsimile, or email for efficient resolution, if there are any remaining issues.

Respectfully submitted
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